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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,951	07/09/2001	Koji Shimazawa	033211-011	5936
7590	06/30/2004		EXAMINER	
Ellen Marcie Emas BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			MAGEE, CHRISTOPHER R	
			ART UNIT	PAPER NUMBER
			2653	13

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/899,951	SHIMAZAWA, KOJI
	Examiner	Art Unit
	Christopher R. Magee	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,6-9,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,6-9,13 and 14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 6-9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter AAPA) (pgs. 2-4) in view of Jeffers (US 4,754,354).

- Regarding claims 1, 2, 8, 9, AAPA shows a magnetoresistive effect thin-film magnetic head comprising:

a lower shield layer 20;

a lower gap layer 21 made of a nonmagnetic electrically conductive material and laminated on said lower shield layer 20;

a magnetoresistive effect multilayer 22 in which a current flows in a direction perpendicular to surfaces of layers of said magnetoresistive effect multilayer 22, said magnetoresistive effect multilayer being laminated on said lower gap layer 21;

an upper gap layer 23 made of a nonmagnetic electrically conductive material and laminated on said magnetoresistive effect multilayer 22;

an insulation gap layer 26 formed around said magnetoresistive effect multilayer 22 and said upper gap layer 23, at least a part of said insulation gap layer 26 being made of an insulation material of Al_2O_3 ; and

an upper shield layer 24 laminated on said upper gap layer 23 and said insulation gap layer 26.

AAPA does not disclose the insulation layer being made of $\text{Co}-\gamma\text{Fe}_2\text{O}_3$ (maghemite).

Jeffers teaches an insulation layer of material 19, maghemite, that is magnetically conductive (having relative high magnetic permeability) yet, electrically non-conductive (col. 2, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the insulation layer of AAPA with the maghemite as taught by Jeffers.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to replace the insulation layer of AAPA with maghemite as taught by Jeffers in order to allow the coupling of signal flux between the layers with little reluctance while at the same time permitting proper spacing to be maintained (Jeffers; col. 2, lines 58-64).

- Regarding claims 6 and 13, AAPA discloses the magnetoresistive effect multilayer is a tunnel magnetoresistive effect multilayer including a tunnel barrier layer and a pair of ferromagnetic thin film layers between which said tunnel barrier layer is sandwiched (pgs. 3-4).
- Regarding claims 7 and 14, AAPA discloses the magnetoresistive effect multilayer is a current perpendicular to the plane giant magnetoresistive effect multilayer including a nonmagnetic metal layer and a pair of ferromagnetic thin-film layers between which said nonmagnetic layer is sandwiched (pgs. 3-4).

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Abe et al. (US 4,477,319) is cited to show a process for forming a ferrite film.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee
Patent Examiner
Art Unit 2653

June 28, 2004



WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600